

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LIBERTY RESOURCES, INC., et al. : CIVIL ACTION
: :
v. : :
: :
THE CITY OF PHILADELPHIA, et : :
al. : NO. 19-3846

ORDER

AND NOW, this 6th day of July, 2020, for the reasons set forth in the accompanying Memorandum, it is hereby ORDERED that:

(1) the motion of defendant the City of Philadelphia (the "City") to dismiss in part plaintiffs' complaint (Doc. # 39) is GRANTED;

(2) the complaint is DISMISSED to the extent that plaintiffs allege that failure of the City to maintain pedestrian rights of way itself constitutes exclusion from participation in or denial of the benefits of services, programs, or activities under Title II of the Americans with Disabilities Act, 42 U.S.C. §§ 12131 et seq., and Section 504 of the Rehabilitation Act, 29 U.S.C. §§ 794 et seq.; and

(3) the complaint is DISMISSED to the extent that plaintiffs allege a claim for relief requiring the City to create Self-Evaluation and Transition Plans under 28 C.F.R. § 35.105(a) and 28 C.F.R. § 35.150(d).

BY THE COURT:

/s/ Harvey Bartle III

J.